

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAMON L. CRESPO,

Defendant.

DECISION AND ORDER

18-CR-6108DGL

Defendant Ramon L. Crespo (“Crespo”) was convicted by plea of Hobbs Act Robbery and the firearms offense of brandishing a firearm. On December 18, 2018, Crespo was sentenced to an aggregate term of imprisonment of 96 months (84 months on Count 2 – a firearms offense to run consecutive to a 12-month term on Count 1).

Crespo has filed a *pro se* motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) (Dkt. #37). The Government filed its Response opposing the motion (Dkt. #39).

After reviewing the matter, for several reasons, Crespo’s motion for reduction is DENIED.

First, as the Government notes, the sentence the Court imposed was well-below the range anticipated in both the Plea Agreement and in the Presentence Report. Crespo received a lenient sentence in spite of his serious criminal conduct.

It appears that Crespo relies on some proposed amendment of the Guidelines that are anticipated. Crespo does not identify the amendments but, as the Government notes, the change applies to a two-point enhancement for committing an offense while under supervision. Crespo was

not sentenced and received no Guideline adjustments for that. Crespo was not under supervision at the time of the offense and therefore, the new Guideline amendment does not apply to him.

The Court sentenced Crespo as one having a Criminal History Category II. That is accurate and the new amendments would not affect that.

The Court must also consider all the sentencing factors set forth under 18 U.S.C. § 3553(a). As the Government notes, those factors weigh against any reduction. Defendant committed an armed robbery that terrorized an employee. He carried a loaded firearm and threatened to use it. When defendant was arrested shortly after the offense, he had a firearm as well as a quantity of cocaine.

CONCLUSION

Defendant Ramon L. Crespo's motion (Dkt. #37) for reduced sentence is in all respects DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
September 11, 2023.